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51 MAR 2005

10/529973

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION  
(Page 1 )**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**EYECUP FOR GLASSES**

the specification of which

☐ is attached hereto

☒ was filed on **30 September 2003** as United States Patent Application No. or PCT International Application No. **PCT/US2003/031084** and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b); of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No</u>	<u>Filed (Day/Mo./Yr.)</u>	<u>Priority Claimed</u> (Yes unless box is checked)
WIPO	PCT/US2003/031084	30 September 2003	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

**COMBINED DECLARATION AND POWER OF ATTORNEY  
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(Page 2 )**

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

Application No  
**60/415,483**

Filed (Day/Mo./Yr.)  
**October 1, 2002**

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	<u>Status</u> <u>(Patented, Pending, Abandoned)</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration numbers).

6 — **Lawrence Rosenthal, Reg. No. 24,377**  
**Steven B. Pokotilow, Reg. No. 26,405**  
**James J. DeCarlo, Reg. No. 36,120**  
**Matthew W. Siegal, Reg. No. 32,941**  
**David L. Schaeffer, Reg. No. 32,716**  
**Ian G. DiBernardo, Reg. No. 40,991**

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

(Page 3 )

Send Correspondence to:

Steven B. Pokotilow  
STROOCK & STROOCK & LAVAN LLP  
180 Maiden Lane  
New York, New York 10038

Direct Telephone Calls to: (name and telephone number)

Steven B. Pokotilow  
(212) 806-5400

1 a Full Name of Sole or First Inventor: Ernest R. Fernandez

Inventor's signature: Ernest R. Fernandez Date: 3/29/05

Citizen/Subject of: United States

Residence: 1379 Danby Avenue

San Jose, California 95132 CA

Post Office Address: 1379 Danby Avenue

San Jose, California 95132

Full Name of Second Inventor, if any: Aaron M. Markovitz

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Citizen/Subject of: United States

Residence: 888 Logan Street, Apt. 11A

Denver, Colorado 80203

Post Office Address: 888 Logan Street, Apt. 11A

Denver, Colorado 80203

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**Steven B. Pokotilow  
STROOCK & STROOCK & LAVAN LLP  
180 Maiden Lane  
New York, New York 10038**

Direct Telephone Calls to: (name and telephone number)

**Steven B. Pokotilow  
(212) 806-5400**

Full Name of Sole or First Inventor: Ernest R. Fernandez

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Citizen/Subject of: United States

Residence: 1379 Danby Avenue  
San Jose, California 95132

Post Office Address: 1379 Danby Avenue  
San Jose, California 95132

2 *ce*  
Full Name of Second Inventor, if any: Aaron M. Markovitz

Inventor's signature:  Date: \_\_\_\_\_

Citizen/Subject of: United States

Residence: 888 Logan Street, Apt. 11A  
Denver, Colorado 80203 *CD*

Post Office Address: 888 Logan Street, Apt. 11A  
Denver, Colorado 80203

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(for an international application filed under the Patent Cooperation Treaty)

(PCT Rule 90.4)

The undersigned applicant(s) (Names should be indicated as they appear in the request):

Pan-Optx, Inc., 1252 Quarry Lane, Suite A, Pleasanton, CA 94566  
Ernest R. Fernandez, 1379 Danby Avenue, San Jose, CA 95132  
Aaron M. Markovitz, 888 Logan Street, Apt. 11A, Denver, CO 80203

hereby appoints (appoint) the following person as:



agent



common representative

Name and address

(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

Rosenthal, Lawrence, Reg. No. 24,377; Pokotilow, Steven B., Reg. No. 26,405; DeCarlo, James J., Reg. No. 36,120; Siegal, Matthew W., Reg. No. 32,941; and Schaeffer, David L., Reg. No. 32,716, Cantine, Charles E., Reg. No. 43,531 of  
STROOCK & STROOCK & LAVAN LLP  
180 Maiden Lane  
New York, New York 10038  
United States of America

to represent the undersigned before



all the competent International Authorities



the International Searching Authority only



the International Preliminary Examining Authority only

in connection with the international application identified below:

Title of the invention: EYECUP FOR GLASSES

Applicant's or agent's file reference: 461391/0004

International application number (if already available):

filed with the following Office United States Receiving Office as receiving Office  
and to make or receive payments on behalf of the undersigned.

Signature of the applicant(s) (where there are several applicants, each of them must sign; next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading the request or this power):



Pan-Optx, Inc. (signature of Officer)

Print Name:

ROBERT E. HALL

Title:

PRESIDENT

Date:

13 October 2003

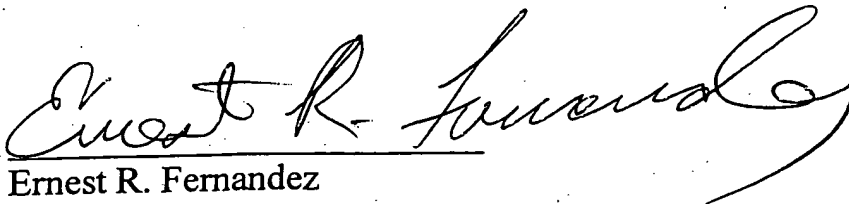
See the attached page for additional signatures of Applicants/Inventors

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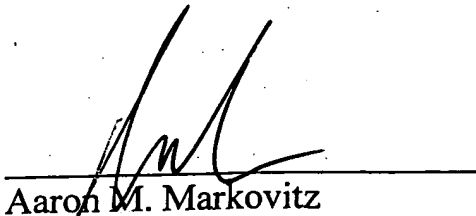
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(PCT Rule 90.4)  
Page (2) of (2)

Continuation of Signatures of the applicant(s) for International Application  
International Filing Date: 30 September 2003; Priority Date: 01 October 2002.

  
Ernest R. Fernandez

Date: 10/9/03

  
Aaron M. Markovitz

Date: 10/14/03